

House File 2391 - Introduced

HOUSE FILE 2391
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 637)

A BILL FOR

1 An Act creating medical parole for certain persons committed to
2 the custody of the department of corrections, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **217.13A Assistance for persons on**
2 **medical parole.**

3 1. If a person has been released on medical parole pursuant
4 to section 906.20 and applies for public assistance, including
5 medical assistance, the department of corrections shall forward
6 the application for assistance to the department of human
7 services, and advise the board of parole that an application
8 for assistance has been made.

9 2. The department of human services shall, within sixty days
10 of receipt of a medical parolee's application for assistance,
11 determine the eligibility of the person for public assistance,
12 medical assistance, or any other department health care
13 assistance.

14 3. If a person is released on medical parole and is in
15 need of public assistance, including medical assistance,
16 the department of human services is responsible for the
17 administrative costs of the initial and any subsequent
18 eligibility determination and for the costs of any public
19 assistance, including medical assistance, following a person's
20 release on medical parole for as long as the person is
21 eligible.

22 4. The department of corrections and the department of human
23 services shall jointly request proposals from public or private
24 vendors to provide contract services for persons released on
25 medical parole.

26 Sec. 2. NEW SECTION. **906.20 Medical parole.**

27 1. Notwithstanding any other provision of law to the
28 contrary, a person committed to the custody of the director of
29 the department of corrections shall be immediately eligible for
30 a medical parole under the following circumstances:

31 a. If the department of corrections makes a recommendation
32 to the board of parole with supporting medical evidence stating
33 all of the following:

34 (1) The person has an existing medical or physical condition
35 that is permanent and is physically or mentally incapacitating.

1 (2) The person is sixty-five years of age or older.

2 *b.* After reviewing the recommendation, the board determines
3 all of the following:

4 (1) The person is eligible for medical parole under
5 paragraph "a".

6 (2) A reasonable probability exists that the person can be
7 released without detriment to the community or to the person.

8 2. Prior to making a determination under subsection 1, the
9 board may request that the department of corrections provide
10 additional medical evidence supporting the recommendation or
11 that a medical examination of the person be conducted.

12 3. If the board orders the person released on medical
13 parole, the department of corrections, in cooperation with the
14 board and the judicial district department of correctional
15 services, shall determine the level of appropriate supervision
16 of the person. In addition to any other terms and conditions
17 of medical parole, supervision of a person on medical parole
18 shall consist of periodic medical evaluations at intervals to
19 be determined by the board at the time of release.

20 4. After a person is released on medical parole, earned
21 time shall not reduce the remainder of the person's sentence
22 while the person is on medical parole. The term of parole for
23 a person on medical parole shall equal the remainder of the
24 sentence of the person.

25 5. If the board finds a change in circumstances or discovers
26 new information concerning a person who has been released on
27 medical parole, the board may rescind the medical parole or
28 revise the previously granted medical parole release date.

29 6. The board shall issue its decision to release a person on
30 medical parole or deny a person's medical parole or to rescind
31 the medical parole or revise the medical parole release date of
32 the person in writing and provide a basis for the decision. A
33 copy of the decision shall be provided to the person.

34 7. The board shall adopt rules pursuant to chapter 17A which
35 are necessary to carry out the provisions of this section.

1 for assistance has been made.

2 The bill provides that the department of human services
3 shall, within 60 days of receipt of a medical parolee's
4 application for assistance, determine the eligibility of the
5 person for public assistance, medical assistance, or any other
6 type of department health care assistance.

7 The bill also provides that the department of human services
8 is responsible for the administrative costs of the initial and
9 any subsequent eligibility determination and for the costs of
10 any public assistance, including medical assistance, following
11 a person's release on medical parole for as long as the person
12 is eligible.

13 This bill takes effect January 1, 2013.